



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 30TH DAY OF MARCH, 2023

BEFORE

THE HON'BLE MR JUSTICE G BASAVARAJA

MISCL. FIRST APPEAL NO. 200423 OF 2021 (MV-I)

BETWEEN:

HANAMANTHA S/O YANKAPPA
@ YANKANNA HURASAGUNDI
AGED ABOUT 32 YEARS, OCC: COOLIE,
R/O VILLAGE DORANAHALLI, TQ. SHAHAPUR,
DIST. YADGIRI, NOW RESIDING AT
LAXMI NAGAR, STATION AREA, YADGIRI,
TQ. & DIST. YADGIRI-585223.

...APPELLANT

(BY SRI GANESH NAIK ,ADVOCATE)

AND:

1. RAJU S/O SAIBANNA NALAWAR
AGE: 44 YEARS, OCC: BUSINESS
AND OWNER OF LORRY
R/O VILLAGE, RAVOOR, TQ. CHITTAPUR,
DIST. KALABURAGI-585101.
2. THE GENERAL MANAGER
HDFC ERGO GENERAL INSURANCE CO. LTD.,
1ST FLOOR, VIRUPAKSHA KRUPA,
OPP. KIMS MAIN GATE, R.B. ROAD,
VIDYA NAGAR, HUBLI,
DIST. DHARWAD-580021.

...RESPONDENTS

(BY SMT PREETI PATIL MELKUNDI, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT PRAYING TO
MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF
SENIOR CIVIL JUDGE AND MACT II AT YADGIR, IN MVC
NO.167/2017 DATED 14.11.2018 AND BE PLEASED TO ALLOW THE
CLAIM PETITION BY GRANTING THE RELIEF AS PRAYED FOR.

Digitally signed
by RAMESH
MATHAPATI
Location: High
Court of
Karnataka



THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

Though this appeal is listed for admission, with the consent of both counsel, it is taken up for final disposal.

This appeal is filed by the claimant seeking enhancement of compensation passed by the Senior Civil Judge & CJM, Yadgir, in MVC No.167/2017 dated 14.11.2018.

2. For the sake of convenience, the parties are referred to by their rank before the Tribunal.

3. The learned counsel for the claimant contended that having regard to the nature of the injuries sustained by the claimant, the Tribunal ought to have awarded adequate compensation. Hence, sought for allow the appeal.

4. Per contra, the learned counsel for the insurer supported the judgment and award of the Tribunal and therefore contended that the judgment and award passed by the Tribunal be not disturbed.

5. It is seen that the owner/insurer had not challenged the judgment and award and therefore accepted the liability to pay the compensation. Insofar as claim for compensation is



concerned, injuries show that claimant had suffered permanent disability.

6. Since the accident is of the year 2017, as per the Lok-Adalath chart issued by the KSLSA, the income ought to have been taken at Rs.10,250/- per month. Looking to the nature of injuries suffered it would be appropriate to take the whole body disability at 20%. With these components the compensation under the head loss of income due to disability is $\text{Rs.10,250/-} \times 12 \times 17 \times 20\% = \text{Rs.4,18,200/-}$. Considering the nature of injuries, period of treatment, medical bills, I am of the considered opinion that the compensation awarded by the Tribunal deserves to be re-determined and re-calculated as under:-

Sl.No	Heads	Awarded by the Tribunal	Enhanced by this Court
1.	Pain & sufferings	Rs.30,000/-	Rs.40,000/-
2.	Nourishment & food	Rs.10,000/-	Rs.15,000/-
3.	Medical Expenses	Rs.4,98,722/-	Rs.4,98,722/-
4.	Attendant charges	Rs.5,250/-	Rs.30,750/-
5.	Loss of income during laid up period	Rs.5,250/-	
6.	Loss of amenities	Rs.50,000/-	Rs.50,000/-
7.	Conveyance charges	Rs.10,000/-	Rs.15,000/-
8.	Loss of future income	Rs.2,85,600/-	Rs.4,18,200/-
Total (rounded off to)		Rs.8,94,822/- Rs.8,95,000/-	Rs.10,67,672/-



7. To this extent, the appeal deserves to be modified and Accordingly, I proceed to pass the following:

ORDER

- (i) The Appeal is allowed in part.
- (ii) The appellant is entitled for compensation in a sum of **Rs.10,67,672/-** as against Rs.8,95,000/- granted by the Tribunal together with interest at 6% p.a., from the date of petition till realization.
- (iii) Respondent/Insurance company shall deposit the compensation amount together with interest at 6% p.a. within a period of six weeks from the date of petition till its realization.
- (iv) Vide order dated 01.04.2021 the appellant/claimant is not entitled any interest on the enhanced compensation for the delayed period.



- (v) All other terms and conditions stipulated by the Tribunal shall stand intact.
- (vi) Registry is directed to send a copy of this order to the Tribunal.

**Sd/-
JUDGE**

SDU
LIST NO.: 1 SL NO.: 46